

SENATE CHAMBER,
AUSTIN, TEXAS, May 9, 1870.

Senate met pursuant to adjournment.

Roll called.

Quorum present.

[Senator Parsons in the chair, *pro tem.*]

Journal of Saturday read and, on motion of Senator Bowers, the resolution of Senator Baker, omitted in Saturday's minutes, was made a part of the Journal.

Resolved, That the various standing committees to whom petitions, memorials or bills are referred, be requested to notify the Senator introducing such petition, memorial or bill, of the time when the same will be acted on; and that the Secretary furnish the chairman of each standing committee with a copy of this resolution.

Resolution adopted.

Senator Latimer moved correction of minutes of Saturday by inserting the resolution of Senator Ruby.

Resolved, That the Senate disallow the correspondent of the Houston Times the privilege of a seat as reporter on this floor, because of indecorous and abusive language of the State administration and members of the present Legislature.

Resolution withdrawn by consent of the Senate.

Minutes adopted as corrected.

Senator Alford presented a memorial from the citizens of La Grange, asking for power to elect municipal officers.

Referred to Committee on Judiciary.

Senator Hertzberg presented a petition from Bexar county, protesting against cutting off from Bexar county precinct number twenty-seven, or any part thereof.

Referred to Committee on Counties and County Boundaries.

Senator Dohoney presented a memorial of Professor W. C. Hurley, asking an appropriation to enable him to publish a book on Practical Phrenology, Physiology, and Hygiene.

Referred to Committee on Education.

Senator Fountain offered concurrent resolution amending schedule of distances by which the Comptroller is to be governed in auditing the payment of mileage accounts of members of the Twelfth Legislature. Amend by inserting distance from Nacogdoches to Austin, 320 miles; distance from Kaufman to Austin, 240 miles.

Senator Douglas moved to amend, "From Smith county to Austin, three hundred and twenty-five miles."

Amendment accepted.

Concurrent resolution as amended read first time, and on motion of Senator Fountain rules suspended and placed on second reading.

Resolution engrossed.

Senator Fountain moved further suspension.

Resolution put on its third reading and final passage.

Read third time and passed.

Under direction of President pro tem. the Secretary carried the same to the House.

Senator Mills introduced a bill entitled "An act appropriating seventy-five thousand dollars (\$75,000) for pay of mileage and per diem of members of Twelfth Legislature, and per diem of officers of same."

Read first time.

On motion of Senator Pickett rules suspended.

Read second time and ordered to be engrossed.

On motion of Senator Cole placed on third reading and final passage.

Bill read third time and passed by the following vote:

Yeas—Messrs. Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Herzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—Latimer—1.

Under direction of President pro tem. the Secretary carried the same to the House for concurrence.

Senator Alford introduced a bill authorizing county courts to sell the public school lands belonging to their respective counties.

Read first time and referred to Committee on Education.

Also, a bill entitled "An act requiring supreme and district judges and district attorneys to be citizens of Texas."

Read first time and referred to Committee on Judiciary.

By Senator Ruby:

A bill entitled "An act to define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

Read first time and referred to Committee on Judiciary.

By Senator Parsons,

A bill to be entitled an act to prevent cessation of judicial functions, and to avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts.

Read first time and referred to Committee on Judiciary.

By Senator Dohoney,

A bill entitled an act to amend the Penal Code of the State of Texas by inserting chapter 4 under title XI of said Code in reference to the use of deadly weapons.

Read first time and referred to Committee on Judiciary.

By Senator Ruby,

A bill entitled an act to incorporate the Galveston Horticultural Society.

Read first time and referred to Committee on Judiciary.

By Senator Pickett,

A bill to incorporate the Sabine and Neches Mutual Insurance Company.

Read first time and referred to Committee on Judiciary.

Also, a bill entitled an act to incorporate the city of Sabine Pass.

Read first time and referred to Committee on Judiciary.

By Senator Priest,

A bill to be entitled an act to amend article 271, Code of Criminal Procedure, and other purposes.

Read first time and referred to Committee on Judiciary.

Also a bill entitled an act to amend articles 379 and 380 of the Code of Criminal Procedure.

Read first time, and referred to Committee on Judiciary.

Also a bill entitled an act concerning judgments and mortgage liens upon real estate.

Read first time and referred to Committee on Judiciary.

Also a bill to be entitled an act to regulate the lien of mechanics and artizans.

Read first time, and referred to Committee on Judiciary.

Senator Hertzberg offered the following resolution :

Resolved, That the Committee on Public Buildings is hereby authorized and requested to furnish suitable rooms for the several Senate committees, now urgently needing the same.

On motion of Senator Ruby, adopted.

Senator Baker offered the following resolution :

Resolved, That the Clerk on the Committee on Elections be required to act also for the Committees on Public Debt, Agriculture and on Stock and Stock Raising, at a salary of one clerk.

Adopted.

Senator Bell offered the following resolution :

Resolved, That the Chairman of Committee on Counties and County Boundaries be authorized to employ a clerk.

Carried.

Senator Douglas offered the following resolution :

Resolved, That the Committee on State Affairs be required to inquire fully into the condition of the State with reference to the

peace and order of its inhabitants, and report upon the necessity or non-necessity of providing by law for the organization of an active military force for the preservation of order, or for other purposes.

Senator Priest moved to refer the resolution to the Committee on Militia.

Senator Bowers made the point of order that the resolution could not be referred.

The chair ruled the reference of the resolution to the Committee on Militia to be in order.

Senator Alford appealed from the decision of the chair.

Pending the appeal, Senator Hall moved to lay on the table.

Yeas and nays called for.

Yeas—Messrs. Baker, Bell, Ford, Fountain, Gaines, Hall, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Nays—Messrs. Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Hertzberg, Latimer, Mills, Pickett, Pyle, Shannon—14.

Motion to lay on table lost.

Senator Pettit asked that Senator Pridgen be excused, absent on account of sickness.

Granted.

Senator Bowers moved the adoption of the resolution.

Pending discussion, on motion of Senator Pyle, Senate adjourned till to-morrow morning 11 o'clock.
